

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>CR. NO. 2:06 -cr-219 -WKW</b>
	)	
<b>PHILLIP FOY</b>	)	

**MOTION TO DECREASE DEFENDANT'S OFFENSE LEVEL  
PURSUANT TO § 3E1.1(b), UNITED STATES SENTENCING GUIDELINES  
(ACCEPTANCE OF RESPONSIBILITY)**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully moves this Court to reduce by one (1) level Defendant's offense level based on his acceptance of responsibility. As grounds for this Motion, the United States avers as follows:

On September 7, 2006, the United States filed a one-count indictment against the Defendant.

Defendant notified the United States of his intent to plead guilty to the indictment sufficiently early to permit the government to avoid preparing for trial and to allocate its resources efficiently. Defendant pled guilty on December 18, 2006.

Therefore, pursuant to United States Sentencing Guidelines § 3E1.1(b), as amended, the United States makes this formal motion for a one-level reduction in the Defendant's offense level for acceptance of responsibility such that the total reduction in offense level for the Defendant's acceptance of responsibility shall be three (3) levels.

WHEREFORE, the United States respectfully requests that this Motion be GRANTED and that the Court reduce Defendant's offense level by one level for his acceptance of responsibility.

Respectfully submitted this 7th day of February, 2007.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorney for the Defendant: Richard Keith.

Respectfully submitted,

LEURA G. CANARY  
UNITED STATES ATTORNEY

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